THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.21638 OF 2005

Date: 06-10-2005

Between:

M.Shara Bhandam …Petitioner

And

The Principal District & Sessions Judge

And another …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.21638 OF 2005

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

The petitioner was working in the Judiciary and was appointed in the year 1965. He was dismissed from service by order dated 11-11-1991. Then he filed an appeal and it was dismissed on 25-07-1992. After a lapse of 14 years, this writ petition has been filed. Even in this writ petition, the order of dismissal is not challenged. However, it is prayed that the petitioner be paid benefits of pension, gratuity, provident fund etc. In the absence of any challenge to the order of the dismissal and taking note of the fact that this writ petition has been filed after 14 years of dismissal of the petitioner from

service, we do not think that this Court can undo what has been done long back. However, when this case came up before this Court yesterday, we asked learned counsel for the other side to get instructions as to whether provident fund was paid to the petitioner or not, because, even after dismissal, the petitioner would be entitled to the provident fund. On instructions, today, she submits that for a long time, there was no application made by the petitioner and some application was made, in that some clarifications were sought from the petitioner, which are not forthcoming. It was the duty of the respondents that after dismissing the petitioner from service to see that the benefits to which he was still entitled were given to him. Therefore, while disposing of this writ petition, we direct that the respondents shall finalise the case of the petitioner regarding provident fund and shall pay the same to him. The respondents shall see that the provident fund is paid within a period of four weeks from today. No order as to costs.

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(Bilal Nazki, ACJ)

6th October, 2005

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(R.Subhash Reddy,J)

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